

Tommy Thomas won't cooperate with special task force probing his book

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Former attorney general Tommy Thomas will not co-operate with the special task force investigating allegations made in his book "My Story: Justice in the Wilderness".

In a letter addressed to Sarawak legal adviser and former state attorney-general Fong Joo Chung who heads the team, Thomas said he would be withholding his cooperation as he felt the existence of such a task force compromised the independence of the office of attorney general.

"I assume that the Task Force intends to scrutinise prosecutorial decisions taken by me whilst I occupied the office of the Attorney General. These decisions were explained in my book, and these explanations have in turn caused political controversy," wrote Thomas who informed Fong that he would be releasing the letter to the media.

He reminded Fong that the office was a constitutional one and that under Article

145 (3) of the Federal Constitution, the Attorney General as Public Prosecutor was empowered at his or her discretion to institute, conduct or discontinue any proceedings for an offence, save for proceedings before a Syariah Court, a native court or court-martial.

"The Public Prosecutor's discretion has developed over centuries in England and has been adopted throughout the Commonwealth.

"Further in operational matters relating to specific individual cases, the PP, even when he was a Member of Parliament in periods after Merdeka, was not accountable to Parliament or to the media," wrote Thomas.

Not accountable

He said that the office was also not accountable to the Cabinet or others in the Executive with regard to prosecutorial decisions, adding that the AG was not involved in the investigation process which was carried out by the police.

"Your Task Force sets a dangerous precedent by putting at risk the independence of the office of Attorney General. I have to protect the incumbent and future Attorney-Generals.

"My participation in your Task Force would legitimise its unconstitutional purpose," added Thomas who also cited that he was not being 'judged by his peers' but by a number of juniors.

"For these reasons, I don't intend to cooperate or participate in your deliberations," he said.

The Task Force held its first meeting in Kuala Lumpur on Dec 24, 2021.

Conduct preliminary study

Minister in the Prime Minister's Department (Parliament and Law) Wan Junaidi Tuanku Jaafar had said that the special team was set up to conduct a preliminary study on several allegations in the book, including on the appointment of judges, excessive interference by the executive in the judiciary and selective prosecution.

"The special task force will submit its findings and recommendations to the cabinet within six months from the date of appointment," he said.

The special team is chaired by Fong while the Legal Affairs Division of the Prime Minister's Department acts as the secretariat.

The special team comprised former Sabah state secretary Hashim Paijan and former secretary-general of the Women, Family and Community Development Ministry, Junaidah Kamaruddin, who is also former director-general of the Legal Affairs Division.

Other members of the team are former judge and former senior federal counsel Jagjit Singh Bant Singh, lawyers Shaharudin Ali and Balaguru Karupiah, as well as representatives from the Governance, Integrity and Anti-Corruption Centre and the Chief Government Security Office.

Wan Junaidi said the cabinet memorandum on the establishment of the special task force, including terms of reference, membership and financial implications had been tabled and approved by the cabinet.

The police received more than a hundred reports against Thomas regarding the publication of the book.

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